

TABLE 70-2—EXCESSIVE CONCENTRATION VALUES (ECV) BASED ON THE AVERAGE OF 5 OR 15 FULL-SHIFT CMDPSU/CPDM CONCENTRATION MEASUREMENTS—Continued

Applicable standard (mg/m <sup>3</sup> )	ECV (mg/m <sup>3</sup> ) based on 5-sample average		ECV (mg/m <sup>3</sup> ) based on 15-sample average	
	CMDPSU	CPDM	CMDPSU	CPDM
1.1 .....	1.22	1.17	1.17	1.14
1.0 .....	1.12	1.06	1.07	1.04
0.9 .....	1.02	0.96	0.97	0.94
0.8 .....	0.92	0.85	0.87	0.83
0.7 .....	0.81	0.75	0.77	0.73
0.6 .....	0.71	0.64	0.67	0.63
0.5 .....	0.61	0.53	0.57	0.52
0.4 .....	0.51	0.43	0.47	0.42
0.3 .....	0.41	0.32	0.37	0.32
0.2 .....	0.31	0.22	0.27	0.21

**Subpart D—Respiratory Equipment**

AUTHORITY: Title II, secs. 303(b), and 508, Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801); secs. 301(a) and 302(a), Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 30 U.S.C. 961 and 951 and 29 U.S.C. 577a, 91 Stat. 1317 and 91 Stat. 1319; sec. 508, Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 30 U.S.C. 957, 83 Stat. 803.

SOURCE: 35 FR 5544, Apr. 3, 1970, unless otherwise noted.

EFFECTIVE DATE NOTE: At 79 FR 24980, May 1, 2014, subpart D was removed and reserved, effective Aug. 1, 2014.

**§ 70.300 Respiratory equipment; respirable dust.**

Respiratory equipment approved by NIOSH under 42 CFR part 84 shall be made available to all persons whenever exposed to concentrations of respirable dust in excess of the levels required to be maintained under this part. Use of respirators shall not be substituted for environmental control measures in the active workings. Each operator shall maintain a supply of respiratory equipment adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the levels required to be maintained under this part.

[60 FR 30401, June 8, 1995]

**§ 70.305 Respiratory equipment; gas, dusts, fumes, or mists.**

Respiratory equipment approved by NIOSH under 42 CFR part 84 shall be provided to persons exposed for short

periods to inhalation hazards from gas, dusts, fumes, or mist. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

[60 FR 30401, June 8, 1995]

**Subpart E—Dust From Drilling Rock [Reserved]****Subparts F–S [Reserved]****Subpart T—Diesel Exhaust Gas Monitoring****§ 70.1900 Exhaust Gas Monitoring.**

(a) During on-shift examinations required by § 75.362, a certified person as defined by § 75.100 of this chapter and designated by the operator as trained or experienced in the appropriate sampling procedures, shall determine the concentration of carbon monoxide (CO) and nitrogen dioxide (NO<sub>2</sub>):

(1) In the return of each working section where diesel equipment is used, at a location which represents the contribution of all diesel equipment on such section;

(2) In the area of the section loading point if diesel haulage equipment is operated on the working section;

(3) At a point in by the last piece of diesel equipment on the longwall or shortwall face when mining equipment is being installed or removed; and

(4) In any other area designated by the district manager as specified in the mine operator's approved ventilation plan where diesel equipment is operated in a manner which can result in